

**ORDINANCE NO. 20060727-006**

**AN ORDINANCE AMENDING CHAPTER 15-9 OF THE CITY CODE  
RELATING TO UTILITY SERVICE REGULATIONS.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**PART 1.** Section 15-9-23(A) (*Life Support System List*) of the City Code is amended to read:

- (A) In this section, "life support system" means a device approved by the City that requires electric or water service and is certified by a licensed physician as essential to sustain the life of a resident of a service address, including an iron lung, ventilator, feeding pump, or kidney dialysis machine.

**PART 2.** Section 15-9-72 of the City Code is amended to read:

**§ 15-9-72 FORMS AND AMOUNT OF CREDIT SECURITY FOR RESIDENTIAL SERVICE.**

If a residential customer or applicant provides proof of identification under Section 15-9-53 (*Identification Required*), the City may accept the following forms of credit security:

- (1) a record of satisfactory compliance with Section 15-9-75 (*Customer Payment Standards*), if applicable, and no outstanding utility invoices;
- (2) a letter of reference from another electric, gas, or water utility with no record of late payments or outstanding balance, and no disconnections for non-payment during the last twelve consecutive billing cycles; or
- (3) a refundable deposit [~~equal to the greater~~] of[  
  - (a)] \$200[~~;~~ ~~or~~
  - (b) ~~one sixth of the average or estimated annual billing at the service address for the previous 12 months as determined by customer care~~].

**PART 3.** Section 15-9-134(B) (*Meter Totalization*) of the City Code is amended repeal and replace Subsection (B) and amend Subsections (C) and (D) to read:

- (B) The director of the Electric Utility may allow or require meter totalization of a customer's meters only if:

- (1) each meter independently qualifies for the same electric rate; and
- (2) the director determines that:
  - (a) the meters serve a single building, the customer is the sole occupant of the entire building, and the building was served by more than one electric meter before the customer's occupancy;
  - (b) the customer receives a special utility service, including dual feed, that requires more than one electric meter; or
  - (c) because of special engineering considerations, the Electric Utility requires the customer to have more than one electric meter for a building or group of buildings to which the Electric Utility would normally provide service through only one meter.

(C) A single building under Subsection (B) [(B)(1)] does not include an attached parking garage or structure connected to the building by a walkway, atrium, or other space that is not a characteristic commercial area.

(D) The director of the Electric Utility shall have sole discretion in making the determination that a structure is a single building under Subsection (B) [(B)(1)] or if a customer meets the requirements of Subsection (B) [(B)(3)].

**PART 4.** Sections 15-9-140(B) and (C) (*Billing Adjustments*) of the City Code are amended to read:

(B) If the City determines that it has undercharged or [;] overcharged [~~or applied an incorrect rate to~~] a utility account, including the application of an incorrect rate, the City shall:

- (1) charge the customer the unpaid amount [~~of the unpaid charge~~]; or
- (2) refund the excess payment or overcharge made by the most recent customer at the service address, [~~to the customer most recently served by the meter the amount of the excess payment~~] limited as provided by Section 16.004 (*Four-year Limitations Period*) of the Texas Civil Practices and Remedies Code or other applicable state law.

(C) The City shall calculate the amount of an undercharge or overcharge based on [~~at~~] the correct rate in effect at the time of the original assessment.

**PART 5.** Section 15-9-155(C) (*Meter Tests*) of the City Code is amended to read:

(C) The City may require a customer to pay the cost of a meter accuracy test if:

- (1) the City performed a meter accuracy test at the service address [~~the meter has been tested by the City~~] during the preceding 36 [~~12~~] months; and
- (2) the current meter accuracy test indicates that [~~the average registration of~~] the meter does not over-register in excess of [~~errs at a rate outside~~] established industry standards.

**PART 6.** Section 15-9-192 (*Restriction On Administrative Hearing*) of the City Code is amended to read:

**§ 15-9-192 RESTRICTION ON ADMINISTRATIVE HEARING.**

A person may not request an administrative hearing if:

- (1) the person did not request and receive an administrative review;
- (2) the customer did not request an administrative hearing on or before the 90th day after the customer knew or should have known about the subject of the dispute; or
- (3) the person is disputing:
  - (a) the terms or denial of a deferred payment agreement;
  - (b) the customer's financial inability to pay for utility services provided by the City;
  - (c) the rate schedule;
  - (d) the occurrence of a utility service diversion, unlawful use of service, damage to City utility equipment, unauthorized sale of utility service, or violation of law;
  - (e) the amount of undercharged costs or charges assessed for a utility service diversion, unlawful use of service, or damage to City equipment;
  - (f) unexplained high utility consumption if a meter has been tested and is determined to be accurate;
  - (g) denial or discontinuance of utility service based on a danger to public health or safety; [~~or~~]
  - (h) a matter subject to a court decision; or
  - (i) the application or amount of a credit security deposit.

**PART 7.** Section 15-9-193(C) (*Administrative Hearing*) of the City Code is amended to read:

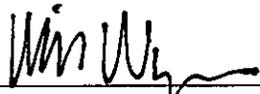
(C) Not later than the third day before the date of an administrative hearing, the director of a utility or the fee administrator of the Watershed Protection and Development Review Department shall provide an appellant with notice of the time, date, and location of the hearing either in person, by telephone, by confirmed facsimile transmission, or by mail to the person's last known address. The City and the appellant may agree to the date and time of an administrative hearing.

**PART 8.** This ordinance takes effect on August 7, 2006.

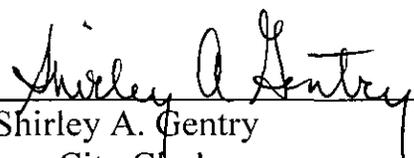
**PASSED AND APPROVED**

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July 27, 2006

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Will Wynn  
Mayor

**APPROVED:**   
\_\_\_\_\_  
David Allan Smith  
City Attorney

**ATTEST:**   
\_\_\_\_\_  
Shirley A. Gentry  
City Clerk